

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,	:	
	:	
	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	C.A. No. 17-mc-00151-LPS
	:	
BOLIVARIAN REPUBLIC OF VENEZUELA,	:	
	:	
	:	
<i>Defendant.</i>	:	
	:	

VERIFIED ANSWER OF PDV HOLDING, INC.

COMES NOW, Garnishee PDV Holding, Inc. (“PDVH”), pursuant to the writ of attachment issued in the above-captioned matter on August 23, 2018 (D.I. 95) and the Court’s order of May 22, 2020, and answers the writ as follows:

1. On August 23, 2018, PDVH was ordered to serve upon counsel for Crystalex International Corporation, by September 13, 2018, “a verified answer, which shall specify what shares of stock and other assets or rights incident to that stock ownership belonging to or owing to [Petróleos de Venezuela, S.A. (“PDVSA”)], as alter ego of Defendant and Judgment Debtor [Bolivarian Republic of] Venezuela, you currently possess” (hereinafter, “Verified Answer”). D.I. 95.

2. On September 12, 2018, PDVH requested a stay of its obligation to serve the Verified Answer. D.I. 109.

3. On December 12, 2019, the Court granted PDVH’s request, staying PDVH’s obligation to serve the Verified Answer until the conclusion of proceedings related to the above-

captioned matter in the United States Supreme Court, or until the Court otherwise lifted its stay.

D.I. 154.

4. The Court reaffirmed the stay of PDVH's obligation on January 28, 2020.

D.I. 166.

5. On May 18, 2020, the United States Supreme Court denied the petition for a writ of certiorari filed by the Republic and PDVSA in the above-captioned matter.

6. On May 22, 2020, the Court lifted the stay of these proceedings and ordered PDVH to serve the Verified Answer on or before June 5, 2020. D.I. 174.

7. Accordingly, PDVH provides the following Verified Answer:

- A. There are 1,000 shares of PDVH stock, which are certificated in a single instrument;
- B. The 1,000-share certificate contains a unique identifying number (2);
- C. According to PDVH's corporate records, all 1,000 shares of PDVH stock are owned by PDVSA;
- D. Pursuant to the terms of the certificate, a PDVH share is "transferrable only on the books of the Corporation by the holder hereof in person or by duly-authorized Attorney upon surrender of this Certificate properly endorsed";
- E. PDVH does not possess any certificated shares of PDVH stock;
- F. There exist no declared, but unpaid, dividends by PDVH to PDVSA;
- G. PDVH does not possess any other assets or rights incident to the shares of its stock owned by PDVSA;
- H. The averments in lines A-G would have been the same had PDVH served a Verified Answer on September 13, 2018, or on any date thereafter; and
- I. The averments in lines A-H are verified by Fernando Vera, Corporate Secretary of PDVH, as reflected in the affidavit appended hereto as Exhibit 1.

8. In compliance with this Court's order, PDVH is serving this Verified Answer now and will file any motion to quash or other applicable motion on June 17, 2020, as set by the

Court. D.I. 175. PDVH reserves all rights to file such a motion or motions, and service of this Verified Answer is not intended to waive PDVH's right to move to quash the writ of attachment or file any other appropriate motion pursuant to the Court's previously entered schedule.

Respectfully submitted,

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

Nathan P. Eimer
Lisa S. Meyer
Alec Solotorovsky
EIMER STAHL LLP
224 South Michigan Avenue
Suite 1100
Chicago, IL 60604
(312) 660-7600
NEimer@eimerstahl.com
LMeyer@eimerstahl.com

/s/ Kenneth J. Nachbar
Kenneth J. Nachbar (#2067)
1201 North Market Street
Wilmington, DE 19801
(302) 658-9200
KNachbar@mnat.com

June 5, 2020

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Kenneth J. Nachbar
Kenneth J. Nachbar (#2067)
1201 North Market Street
Wilmington, DE 19801
(302) 658-9200
KNachbar@mnat.com